

REMARKS

Claims 1-21 are pending in the application. Reconsideration is respectfully requested.

The present invention relates to a rinsable foaming cleansing composition containing at least one hydrophilic silica.

Amendment To Specification

As requested, the specification has been provided with a new title which is believed to be satisfactorily descriptive of the invention.

Claim Amendments

Applicants have amended Claim 1 to the effect that the at least one oxyalkenylated compound component of the composition is limited to oxyethylenated derivatives or oxyethylenated/oxypropylenated derivatives. The amendment is a narrowing of the scope of the claims and is supported by the disclosure of the text starting at page 9 which describes oxyethylenated and oxyethylenated/oxypropylenated compounds. Further, as a consequence of the amendment to Claim 1, Claims 10-12 have also been amended so that they are consistent in scope with Claim 1. Entry of the amendment is respectfully requested.

Prior Art Rejection

As claimed the present invention is directed to a cleansing composition which is comprised of at least three components which are (1) at least one foaming surfactant, (2) at least 1 % by weight of at least one hydrophilic silica, relative to the total weight of the composition, and (3) at least one oxyalkylenated compound which is selected from the group consisting of oxyethylenated compounds and oxyethylenated/oxypropylenated compounds in

a physiologically acceptable aqueous medium comprising at least 35 % by weight of water, relative to the total weight of the composition. The cleansing composition of the invention is readily rinsable and is thick, but which nevertheless retains the properties required for foaming products which are good miscibility with water, rapid transformation into a lather, good rinsing and good tolerability by the skin.

Claims 1-21 stand rejected based on 35 USC 103(a) as obvious over Glenn Jr. et al, U.S. Patent 6,277,797. This ground of rejection is respectfully traversed.

As disclosed in column 2, lines 17-33, the patent is directed to a lathering skin cleansing composition of relevance to the present cleansing composition because it discloses an aqueous formulation, which besides containing the necessary surfactant, also contains an amorphous silica which can be a fumed or precipitated silica (col 2, line 47). Further, the description at the bottom of column 12 through the top portion of column 13 mentions optional ingredients which preferably include humectants of which a type are the polyoxyalkylene diols and monoethers thereof shown generically by the formula of line 9. Although the formula includes both oxyethylene-type compounds and oxypropylene-type compounds, nevertheless, not many specific compounds within the scope of the formula are disclosed in the patent, although glycerin and polyoxypropylenated glycerol are mentioned. No oxyethylenated polyol compounds are described in the patent.

Applicants contend at this point that there is a material and distinct difference between the present invention as claimed and the disclosure of the patent in that clear superiority of the invention is demonstrated by limitation of the oxyalkenylated compound to two types which are oxyethylenated compounds and oxyethylenated/oxypropylenated compounds, to the specific exclusion of oxypropylenated compounds. That, in fact, the limitation of the present composition as described to only the oxyalkenylated compounds set forth in the claims results

in a product cleansing composition of superior characteristics is demonstrated by the comparative photographic evidence presented in the attached informal copy of a Declaration (37 CFR 1.132). The declaration provides a description of two cleansing formulations in Annex 1, one of which is that of Example 2 of the present claims which contains an oxyethylenated compound, i. e., PEG-120 methylglucose dioleated and the other is a comparative composition that is outside the scope of the present claims because it contains the oxypropylenated compound, i. e., PPG-14 butyl ether. The photographs in Annex 2 show that the embodiment of the present invention labeled as 103/2 is homogeneous and stable before and after centrifugation but that the embodiment outside of the invention based on the oxypropylenated compound labeled as 103/2B contains silica agglomerates and is not stable after centrifugation. Further, the microphotographs of Annx 3 show that the formulation of the invention labeled as 103/2 is largely homogeneous and contains very little agglomerates of silica, while the comparative composition 103/2B is inhomogeneous and contains many agglomerates of silica. Accordingly, applicants submit that they have demonstrated clear superiority of the composition as claimed over a closely related type of formulation and thereby have demonstrated patentable distinction of the present claims over Glenn, Jr Withdrawal of the rejection of the claims based on 35 USC 103 is respectfully requested.

It is now believed that the application is in proper condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

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MARKED-UP COPY OF AMENDMENT
IN THE SPECIFICATION

Please delete the title in favor of the following new title:

-- A CLEANSING COMPOSITION CONTAINING HYDROPHILIC SILICA AND
OXYALKENYLATED COMPOUNDS --

IN THE CLAIMS

Please amend Claims 1 and 10-12 as follows:

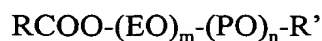
-- 1. (Amended) A cleansing composition, comprising:

(1) at least one foaming surfactant, (2) at least 1 % by weight of at least one hydrophilic silica, relative to the total weight of the composition, and (3) at least one oxyalkylenated compound which is selected from the group consisting of oxyethylenated compounds and oxyethylenated/oxypropylenated compounds in a physiologically acceptable aqueous medium comprising at least 35 % by weight of water, relative to the total weight of the composition.

10. (Amended) A composition according to Claim 1, wherein the oxyalkylenated compound is selected from the group consisting of polyethylene glycols, polyethylene glycol esters [and/or polypropylene glycol esters], polyethylene glycol ethers [and/or polypropylene glycol ethers], alkoxyated alkyl derivatives of polyols, oxyalkylenated triesters of glycerol and of fatty acids, ethoxyethylenated urethane derivatives modified with alkyl chains, and mixtures thereof.

11. (Amended) A composition [of] according to Claim 9, wherein the [polyethylene

glycol esters] oxyalkylenated compound(s) have the formula:



wherein $0 < m \leq 300$ and $0 \leq n \leq 300$ and $m+n \geq 6$, R and R' represent, independently of each other, hydrogen or a saturated or unsaturated, linear or branched, hydroxylated or non-hydroxylated alkyl chain containing from 1 to 30 carbon atoms, or an aryl chain, with the proviso that R and R' are not simultaneously hydrogen. --

12. (Amended) A composition [of] according to Claim 9, wherein the [polyethylene glycol ethers and/or polypropylene glycol ethers] oxyalkylenated compound(s) have the formula:



wherein $[0 \leq m \leq 300]$ $0 \leq m \leq 300$ and $0 \leq n \leq 300$ and $m+n \geq 6$, R and R' represent, independently of each other, hydrogen or a saturated or unsaturated, linear or branched, hydroxylated or non-hydroxylated alkyl chain containing from 1 to 30 carbon atoms, or an aryl chain, with the proviso that R and R' are not simultaneously hydrogen.--